

UNITED STATES BANKRUPTCY COURT

SOUTHERN DISTRICT OF NEW YORK

Case No. 05-44481-rdd

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In the Matter of:

DELPHI CORPORATION,

Debtor.

- - - - -x

United States Bankruptcy Court

One Bowling Green

New York, New York

January 27, 2009

10:17 AM

B E F O R E:

HON. ROBERT D. DRAIN

U.S. BANKRUPTCY JUDGE

VERITEXT REPORTING COMPANY

212-267-6868

516-608-2400

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2 HEARING re Debtors' Thirty-Third Omnibus Objection Regarding  
3 (A) SERP Claims and Scheduled Liabilities Subject to  
4 Modification, (B) Duplicate or Amended SERP Claims, (C) Claims  
5 Subject to Modification, And (D) Claim to be Expunged Pursuant  
6 to Settlement.

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8 HEARING re Proposed Thirty-Ninth Omnibus Hearing Agenda.  
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24 Transcribed by: Penina Wolicki  
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A P P E A R A N C E S :

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BY: NINA M. VARUGHESE, ESQ. (TELEPHONICALLY)

1 P R O C E E D I N G S

2 THE COURT: Please be seated. Okay, Delphi  
3 Corporation?

4 MR. BUTLER: Your Honor, Jack Butler and Kayalyn  
5 Marafioti on behalf of Delphi Corporation for its thirty-ninth  
6 omnibus hearing agenda. Good morning. Your Honor, we only  
7 have one matter on the agenda today. This is the thirty-third  
8 omnibus claims objection filed at docket number 14619. This  
9 involved 133 proofs of claim that were scheduled on the  
10 objection, plus 18 claims that were listed on the debtors'  
11 schedules and statements, for a total of 151 claims.

12 No responses were filed in connection with this,  
13 although we did withdraw, as I'll describe in a minute, two  
14 objections with respect to proofs of claim. And therefore  
15 we're asking that 149 proofs of claim or scheduled claims be  
16 ordered allowed or modified as set forth in the proposed  
17 objection.

18 In the aggregate, there were 151 claims in the  
19 thirty-third omnibus claims objection that asserted  
20 approximately 65 million dollars in claims plus unliquidated  
21 amounts. The two claims that we're withdrawing from the  
22 objection are proof of claim number 5907 filed by Schaeffler  
23 KG, and proof of claim 590 filed by Sandvik Materials  
24 Technology. We have executed joint stipulations with respect  
25 to these claims after we filed the thirty-third claims

1 objection. And we submitted those stipulations separately  
2 after serving notices of presentment.

3           There are also, Your Honor, six modifications to the  
4 proposed order with respect to claims involving other claimants  
5 and their counsel. We're revising the allowed amount for four  
6 proofs of claim, where we determined after filing the objection  
7 that the amount reflected in the exhibit to the proposed order  
8 should be revised in our negotiated basis with those counsel.  
9 We also, with respect to dealing with a surclaimant, Terry  
10 Marquis who had multiple claims listed on the objection, we  
11 determined after filing the objection, conferring with him,  
12 that proof of claim 9292 should be the surviving claim and that  
13 proof of claim 9287 should be expunged. We essentially  
14 reversed the claim that would be expunged from the claim that  
15 would not be.

16           We also dealt with a similar issue with Eaton  
17 Corporation, where we dealt with proof of claim 10908, which  
18 was filed by Eaton Electrical, and proof of claim 5298. And  
19 we've dealt with, on the Eaton Yale claim, we have determined  
20 that claim 10970 should be the properly expunged claim. So  
21 we've sorted those out. There are six changes on the order.

22           Based on the two claims that have been withdrawn,  
23 that leaves 149 claims asserting liquidated claims of  
24 approximately 65 million dollars that we're asking Your Honor  
25 to address today. These claims have all -- these claimants all

1 received particularized notice, as we have done customarily  
2 with respect to the 32 preceding claims objections. And to the  
3 extent Your Honor grants the relief we're requesting today, we  
4 will serve particularized notice of that resolution as well.

5 THE COURT: Okay. Does anyone have anything to say  
6 on this omnibus objection? All right. Most of the relief  
7 sought here was either to confirm settlement agreements or to  
8 delete claims that had otherwise been settled. I'll grant the  
9 objection with the modification of the claims that were set  
10 forth on the record, on the basis that after individualized  
11 notice, there have been no objections to the relief sought.

12 MR. BUTLER: Thank you, Your Honor. Your Honor,  
13 that's all we have today.

14 THE COURT: Okay. I'm not sure I -- you have an  
15 order that reflects those changes.

16 MS. MARAFIOTI: It was submitted, Your Honor.

17 THE COURT: Okay. You can e-mail it then.

18 MR. BUTLER: Great. Thank you.

19 THE COURT: You've already e-mailed it?

20 MS. MARAFIOTI: I believe it's already been  
21 submitted, Your Honor.

22 THE COURT: Okay, fine. Thank you.

23 MR. BUTLER: Thanks, Judge.

24 (Proceedings concluded at 10:21 a.m.)

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I N D E X

RULINGS

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Debtor's objection	6	9
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with the modification of

the claims, granted

C E R T I F I C A T I O N

I, Penina Wolicki, certify that the foregoing transcript is a  
true and accurate record of the proceedings.

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Penina Wolicki

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Date: January 30, 2009

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